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09/524,491	03/13/2000	Francis J Maguire JR.	313-011-1	6120

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EXAMINER

SHAPIRO, LEONID

ART UNIT

PAPER NUMBER

2629

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/524,491

Applicant(s)

MAGUIRE, FRANCIS J

Examiner

Leonid Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-15 rejected under 35 U.S.C. 102(b) as being anticipated by Park (US Patent No. 5,695,406).

As to claim 1, Park teaches apparatus, comprising:

a support for supporting a user in reclining position (See Fig. 6A, Col. 7, Lines 24-35);

and a movable headrest (Fig. 2, items 16, 24, Col. 6, Lines 43-46 and Fig. 1g, items 12 (Notice that headrest 24 rigidly attached to relaxation base 12)) mounted on support (in the reference motion base) (Fig. 1C, items 14, Col. 5, Lines 39-50), for moving with rotational movements with respect to support (Fig. 1C, items 14), and supporting a head of user in executing rotational movements (See Figs. 1a-1d, items 12, 14, Col. 9, Lines 46-47) while viewing images from changing directions (See Col. 9, Lines 47-50).

As to claims 3-4, 7 Park teaches headrest (Fig. 1B, items 12, 16, Fig. 2, item 24) is movable by actuator (See Figs. 1a-1d, items 15, 50, Col. 9, Lines 46-63).

As to claim 2, 5-6, 11-12, Park teaches a display (Fig. 2, item 20) and sensor (See Fig. 1C, items 12, 14, Col. 10, Lines 23-24) for providing images for viewing from changing direction (See Fig. 2, items 16, 20, Col. 6, Lines 31-39).

As to claim 8, Park teaches apparatus, comprising:

a sensor coupled to a moveable headrest for supporting a user's head with respect to support (See Fig. 1, items 12, 14, 16), responsive to head movements of the user (See Fig. 1, items 12, 16), for providing a sensed signal having a magnitude indicative of differing directions-of-view corresponding to said head movements (Notice, that in order to produce visual stimuli coordinated with rotational movement of relaxation base with headrest relative to the motion base inherently must be sensor detecting those rotational movements) (See Figs. 1a-1d, 2, items 12, 14, 24, Col. 10, Lines 23-27);

a reality engine (external computer), responsive to said sensed signal, for providing an image signal indicative of a sequence of images from differing directions-of-view selected according to said sensed signal and corresponding thereto (See Col. 10, Lines 29-34); and

a display, responsive to said image signal, for providing said sequence of images for viewing by said user from said differing directions-of-view (See Fig. 2, item 20, Col. 6, Lines 31-39).

As to claim 9, Park teaches apparatus, comprising:

a reality engine (external computer), responsive to a start command signal, for providing an image signal indicative of a sequence of images from differing directions-of-view selected according to said sensed signal and corresponding thereto (See Col. 10, Lines 29-34); and

a display, responsive to said image signal, for providing said

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sequence of images for viewing by said user from said differing directions-of-view (See Fig. 2, item 20, Col. 6, Lines 31-39).

an actuator (Fig. 1D, items 15), responsive to actuator command signal, for moving a headrest (Fig. 2, items 16, 24 and Fig. 1C, items 12, 16) with respect to a support (Fig. 1c, item 14) with said headrest supporting a user's head (Fig. 2, items 16, 24 and Fig. 1C, items 12, 16) with movements respect to said support (Fig. 1c, item 14) corresponding to different directions-of-view (See Figs. 1a-1d, items 15, 50, Col. 9, Lines 46-63).

As to claim 10, Park teaches apparatus, comprising: a headrest (Fig. 1C, Items 12, 16) and a support (motion base) (Fig. 1C, item 14) for supporting a user in a reclining posture (See Fig. 6A, Col. 7, Lines 24-35) with a head of user resting on headrest (Fig. 1C, Items 12, 16) mounted on support (motion base) (Fig. 1C, item 14); headrest with movable headrest for supporting head of the user in executing head movements in a changing of head of user (See Figs. 1a-1d, items 12, 16 (Notice that headrest 24 rigidly attached to relaxation base 12), 14, Col. 9, Lines 46-47), a viewing images provided from a correspondingly changing direction of view (See Col. 9, Lines 47-50), head and headrest moving together (Fig. 1C, items 12, 16) in changing direction with respect to support (motion base) (See Fig. 1C, item 14).

As to claim 13 Park teaches relaxation base (Fig. 1B, items 12, 16, Fig. 2, item 24) with headrest (Fig. 2, items 16, 24) is movable by actuator (See Figs. 1a-1d, items 15, 50, Col. 9, Lines 46-63).

As to claims 14-15, Park teaches support is continuously positionable (See Fig. 1D, items 15, 50, Col. 9, lines 27-63).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park as applied to claims 1, 8-10 above, and further in view of Helman (US Patent No. 5,791,735).

Park does not disclose left and right rotational movements, left and right directions.

Helman teaches left and right rotational movements, left and right directions of headrest (See Col. 3, Lines 15-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide left, right rotation (changes in directions) in Park system in view of teaching of Helman in order to support user's head (See Col. 3, Lines 15-19).

### **Response to Arguments**

3. Applicant's arguments filed 03/06/06 have been fully considered but they are not persuasive:

On page 6, 2<sup>nd</sup> paragraph of Remarks, Applicant's stated that rejection of independent claims 1, 8-10 based on a perception that there is vertical movement disclosed by Park. However, Park discloses rotational movements of relaxation chair relative to the motion base coordinated with visual stimuli (See Abstract and Fig. 1C, items 12, 14, 16, Col. 5, Lines 39-50).

On page 7, 2<sup>nd</sup> paragraph of Remarks, Applicant's stated that it will be clearly understood that the movement of the headrest is with respect to support. However, hood 16 with headrest 25 rigidly attached to the to the relaxation base 12 and moved relative to the motion base 14 (in the reference support is equivalent to the motion base and headrest is a combination of hood, headrest and relaxation base) (See Abstract and Fig. 1C, items 12, 14, 16, Col. 5, Lines 39-50).

Notice, that in Description Applicant's used Park reference as example (See Page 5, Lines 32-34).

On page 7, last paragraph of Remarks, Applicant's stated that there is no motivation to combine the Helman reference with Park reference since Park shows a rigidly attached headrest to the relaxation base. However, hood 16 with headrest 25 rigidly attached to the to the relaxation base 12 and moved relative to the motion base 14 (in the reference support is equivalent to the motion base and headrest is a combination of hood, headrest and relaxation base) (See Abstract and Fig. 1C, items 12, 14, 16, Col. 5, Lines 39-50).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Telephone inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LS  
05.25.06



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